UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| FURMINATOR, INC., and |) | |
|------------------------|---|--------------------------|
| PORTERVISION, INC., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| VS. |) | Case No. 4:08CV00367 ERW |
| |) | |
| MUNCHKIN, INC., and |) | |
| KIM LAUBE & CO., INC., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter comes before the Court on FURminator's Second Motion to Compel and Incorporated Memorandum in Support [doc. #107].

As agreed by the Parties during the July 27, 2009 telephone hearing, Defendant Laube has filed a declaration in this Court and in the California court, specifically declaring that he has no design and development documents pertaining to any issue in this case, and to the extent his declaration states that "records related to the design and development of Laube's de-shedding tools including, but not limited to, the Laube Quick Change Tool, the Laube Adjustable Blade Rake, and the Laube iVac Tool are located in California at Laube's headquarters," that reference is to documents already produced. (Laube Declaration, doc. #107-5, p.5). As a result, and as noted in this Court's July 27, 2009 Memorandum and Order [doc. #113], the pending Motion to Compel will be dismissed.

Accordingly,

IT IS HEREBY ORDERED that FURminator's Second Motion to Compel and

Incorporated Memorandum in Support [doc. #107] is **DISMISSED**.

Dated this 29th Day of July, 2009.

E. RICHARD WEBBER

UNITED STATES DISTRICT JUDGE